IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
WRIT PETITION NO.6087 OF 2005

M/s.Bharat Road Dev.Co.Ltd. Petitioner

Vs.

The State of Maharashtra Respondent

Ms.A.P.Madhuri for petitioner.
Ms.J.S.Pawar, AGP for respondent.

CORAM: F.I.Rebello &
Dr.D.Y.Chandrachud,JJ.

September 14, 2005.

ORAL ORDER:

. The petitioner is an owner of a heavy motor vehicle and registered with the RTO, Thane (Registration No.MH-04-P-4108). The vehicle was unauthorisedly plied within the Municipal limits of the Municipal Corporation of Greater Mumbai and was detained by the office of the Regional Transport Officer at Thane. The plying of the vehicle in Mumbai is clearly in violation of the order passed by the Division Bench of this Court in Writ Petition No.1762 of 1999 on 3rd March 2004. We are constrained to take a serious note of the repeated violations of the orders of the Division Bench which are taking place. A large number of matters have

come up before this Court almost every week since the court resumed after the Summer Recess on 6th June 2005. Though initially this court had directed the release of vehicle involved in violations of the order against the deposit of an amount of Rs.10,000/-, the repeated violations that have been brought to the notice of the Court since them, have constrained us to direct that the amount that should be deposited should be suitably increased as a deterrent. We are of the view that unless a deterrent is imposed, the judgment of the Division Bench which is based on sound considerations of public interest and public health will be violated with impunity. In the facts of the present case we direct a deposit of Rs.20,000/- with the Chief Minister's Relief Fund.

2. In these circumstances, this petition is disposed of by directing the petitioner to deposit with the Chief Minister's Relief Fund an amount of Rs.20,000/-. The petitioner shall deposit this amount with the 2nd respondent who shall, in turn, forward the amount to the Chief Minister's Relief Fund. The petitioner shall file an undertaking

before the second respondent that the vehicle shall not, hereafter, be plied within the municipal limits of Greater Mumbai. The second respondent shall subject to compliance with the aforesaid conditions release the vehicle only for one journey within the municipal limits of Greater Mumbai so as to enable the petitioner to take the vehicle outside the municipal limits.

3. The petition is accordingly disposed of. There shall be no order as to costs.

(F.I.REBELLO,J.)

(DR.D.Y.CHANDRACHUD,J.)